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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/307,187

Applicant(s)

FRIEDLAND ET AL.

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Detailed Action

The following is a Final Office Action in response to the communication received on July 29, 2002. Claims 1-26 are pending.

Response to Amendments

1. The examiner reviewed the US Patent abstracts in the Information Disclosure Statement provided.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (U.S. P.N. 5,111,391).

As per claim 1, Fields et al. disclose a method of allocating resources including scheduling jobs from among a plurality of resources of a work-producing system, said method comprising the steps of:

(a) sorting, in a predetermined order, available resources by last task assignment, a number of tasks performable, rate per task, and cost per hour, and determining at least one queue responsive to said sorting (see column 2, lines

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12-35, and column 6, lines 51-65, the resources are sorted; see column 1, lines 32-45, and column 6, lines 43-46, resources were sorted according to pay rate and rate per task);

(c) assigning the available resources to at least one task with a predetermined normalized queue subject to at least one task constraint (see column 1, lines 32-45, and column 2, lines 12-35, the resources are constrained).

Fields et al. do teach the method of determining the average time for a task and also the percentage of the employee's time that it takes to work on a particular task. However, Fields et al. do not explicitly teach the method of normalizing. Normalization is an old and well-known technique in the art used in ordering and ranking items. Dividing each item by the average normalizes the items. Therefore, it would be obvious for one skilled in the art to (b) normalize the at least one queue by dividing a current task queue by an average rate of the available resources for each task in the current task queue based on the process Fields et al. has used. One of ordinary skill in the art would have normalized the tasks as the tasks are already assigned to the resource based on time, priority, skill levels and other constraints. One would be motivated to normalize the task rates as it allows one to quickly determine which tasks take a longer amount of time and assign them to the appropriate resources. Normalizing the tasks makes the assignment (c) easier as it could increase the efficiency by which the tasks are assigned.

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As per claim 2, Fields et al. discloses a method of allocating resources according to claim 1, further comprising the step of predetermining the at least one queue after assignment of the available resources, and designating the assigned resource unavailable until a predetermined time when the assigned available resources expires (see column 5, lines 59-58, through column 6, lines 1-2, the tasks are in a task line and the arrangement of the queue is determined, the resource becomes available and is able to take another item from the task list when a shift is completed).

As per claim 3, Fields et al. disclose a method of allocating resources according to claim 1, further comprising the step of incrementing time to time of a next event (see column 3, lines 58-64, column 4, lines 37-49, and column 5, lines 8-29, the time of the task is determined; the time is incremented to find the time of the next event).

As per claim 4, Fields et al. disclose a method of allocating resources according to claim 1, wherein the at least one task constraint includes maximum resource capacity, defined start and end times, and scheduled down time (see column 1, lines 32-45, and column 3, lines 9-15, task constraints include capacity and labor regulations, which define start and end times, as well as scheduled down time).

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As per claim 5, Fields et al. disclose a method of allocating resources according to claim 1, wherein the at least one task constraint includes at least one team assignment constraint, and the available resources are assigned to the at least one task until the at least one team assignment constraint is satisfied (see column 1, lines 32-45, and column 2, lines 12-35, the task constrain includes a team assignment constraint such as the skill level of the employee or the relationship between the different tasks).

As per claim 6, Fields et al. disclose a method of allocating resources according to claim 1, wherein said assigning step (c), further comprises the steps of assigning the available resources to the at least one task for a maximum time of task, and removing the at least one task from a resource skill set (see column 1, lines 15-45, and column 3, lines 9-15, the maximum time of a task is determined and the task is removed from the resource when an employee maximum shift length occurs).

As per claim 7, Fields et al. disclose a method of allocating resources according to claim 1, wherein the at least constraint includes an end of shift constraint, and wherein the available resources are not assigned to the at least one task when the assignment violates the end of shift constraint (see column 3, lines 9-15, the end of shift constraint may be due to labor regulations as it could be the resource, or employee, reached their maximum shift length or their break-time and therefore are not assigned another task).

As per claim 8, Fields et al. disclose a method of allocating resources according to claim 1, wherein the predetermined order comprises an ascending order (see column 5, lines 59-67, through column 6, lines 1-2, the resources are allocated in an ascending order, tasks that require a higher skill level are assigned to resources that have a higher skill level).

As per claim 9, Fields et al. disclose a method of allocating resources according to claim 1. Fields et al. do teach the method of determining the average time for a task and also the percentage of the employee's time that it takes to work on a particular task. However, Fields et al. do not explicitly teach the method of normalizing. Normalization is an old and well-known technique in the art used in ordering and ranking items. Dividing each item by the average normalizes the items. Therefore, it would be obvious for one skilled in the art to comprise a largest normalized queue based on what the process Fields et al. has used. One of ordinary skill in the art would have normalized the tasks and found a largest queue as the tasks are already assigned to the resource based on time, priority, skill levels and other constraints. One would be motivated to normalize the task rates as it allows one to quickly determine which tasks take a longer amount of time and assign them to the appropriate resources. Normalizing the tasks makes the assignment (c) easier as it could increase the efficiency by which the tasks are assigned.

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As per claim 10, Fields et al. disclose a method of allocating resources according to claim 1, wherein said sorting step (a), said normalizing step (b) and said assigning step (c) are performed according to a resource allocation model, and wherein the resource allocation model includes entities with variable attributes having variable quantities that transform through at least one network of nodes (see column 6, lines 51-65, the resources, or employees, with attributes that have quantities that are transformed; for example, the number and skill level of the employees is updated during the shifts in the schedule).

As per claim 11, Fields et al. disclose a method of allocating resources according to claim 10, wherein each node of the at least one network of nodes includes an associated set of attributes and parameters (see column 6, lines 51-65, attributes and parameters are associated with the nodes).

As per claim 12, Fields et al. disclose a method of allocating resources according to claim 11. Fields et al. do teach a Gantt Chart which displays the attributes and the entities in a graphical formation. Fields et al. do not teach that the attributes are qualitatively defined through at least one of nominal, graphical and symbolic conventions. However, it is an old and well known technique in the art to quantitatively define attributes through nominal, graphical and symbolic conventions. Pie charts, Gantt charts, and icons are commonly used to represent attributes. Therefore, it would be obvious to one of ordinary skill in the art to use a nominal, graphical, or symbolic convention to qualitatively define an

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attribute. One would be motivated to quantitatively define the attributes in this manner as it is a user-friendly way to depict them.

As per claim 13, Fields et al. disclose a method of allocating resources according to claim 12, wherein the available resources include the attributes of the nodes, and the available resources undergo transformational processes arriving at least one arbitrary state or passing through a series of states that may become the attributes of the resources (see column 6, lines 51-68, through column 7, lines 1-7, the resources undergo a transformation by going through a state or states).

As per claim 14, Fields et al. disclose a method of allocating resources according to claim 11, wherein the parameters are specified as at least one of inputs, outputs, capacities, operational processes, functional behaviors, movement logics, and other dynamic parameters (see column 6, lines 21-26, and 43-65, the parameters of the resources are specified).

As per claim 15, Fields et al. disclose a method of allocating resources according to claim 10, wherein the resource allocation model stores at least one of historical values, theoretical values, the attributes and constellations of the nodes, and wherein the resource allocation model provides multiple bases of comparison for monitoring, measuring, and evaluating real-time operational data and operational performance for management functions (see column 1, lines 9-

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15, and column 2, lines 12-35, the model stores and uses historical data which it can use to evaluate operational data and performance. It is inherent that the historical data would be kept and used for a purpose).

As per claim 16, Fields et al. disclose a method of allocating resources according to claim 10. Fields et al. teach a resource allocation model. However, Fields et al. do not explicitly teach a model that includes significance and performance criteria, associated tableaus and scenarios, and wherein abstract model elements are stored as at least one of the parameters and the attributes, and as at least one of functional, logical, graphical and symbolic forms. However, significance and performance criteria are old and well known techniques used in the art. Processes are constantly evaluated to evaluate current results and determine improvements. Therefore, it would be obvious to include significance and performance criteria as it would allow one to determine the efficiency of the scheduling. It would also be obvious to store parameters and attributes as at least one of functional, logical, graphical and symbolic forms as it would be an efficient way to display the parameters and the attributes. One would be motivated to include both the significance and performance criteria, as well as the stored format of the parameters as it would be very user-friendly.

As per claim 17, Fields et al. disclose a method of allocating resources according to claim 1, wherein the available resources are characterized by the following information:

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- person identifier, person name, person type, shift assignment by day of week, task preference (see column 6, lines 49-65),
- shift name, shift start time, shift end time, lunch start, break 1 start, break 2 start (see column 4, lines 37-48, the shift times are set; see column 3, lines 9-15, the breaks and meal times are mandated by labor regulations),
- person type categories, eligible tasks (see column 6, lines 51-54, the skills characterize the employee),
- task name, rate per task, task capacity, task color for Gantt chart, flow percentages between tasks (see figure 3, column 1, lines 32-45, and column 6, lines 43-46, resources were sorted according to pay rate and rate per task; and task capacity),
- projected incoming volume by task and time (see column 7, lines 18-22), and
- start of day queues in each task (see column 6, lines 21-27, the record contains the start times for each task and each resource).

As per claim 18, Fields et al. disclose a method of allocating resources according to claim 1, wherein said assigning step (c) assigns the available resources using at least one of the following outputs:

- people allocation: number of people assigned to each task for each time period (see column 6, lines 21-32, the Schedule Head Record contains each persons task at a particular time period),
- queue data: queue length for each task area by time period (see column 6, lines 51-68, through column 7, lines 1-7), and

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- Gantt chart: person task assignment for each time period (see figure 3).

Fields et al. do not explicitly teach that the volume data is the number of RX's processed in each task for each time period. However, it would be obvious to one of ordinary skill that in order to schedule tasks the number of tasks must be known. One of ordinary skill in the art would be motivated to include the volume data as it explicitly discloses the volume of the tasks and allows a more accurate description of the number of tasks that the user must assign to resources.

As per claim 19, Fields et al. disclose a method of allocating resources according to claim 1, wherein said assigning step (c), further comprises the steps of assigning the available resources to a varying set of tasks having varying individual rates (see column 3, lines 37-6, lines 43-46, the resources are assigned to tasks with varying rates).

As per claim 20, Fields et al. disclose a method of allocating resources according to claim 1. Fields et al. did not explicitly teach the use of Markov Chains. However, one of ordinary skill in the art would teach the assigning step (c) further comprising the steps of assigning the available resources to the at least one task with a work flow between tasks following a Markov Chain. It would have been obvious to one of ordinary skill in the art to use Markov Chains as they are a very well known type of queuing theory. One of ordinary skill in the art would have been motivated to using Markov Chains as it would allow the user to

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easily picture the flow between tasks. One would be motivated to use Markov Chains as they are a reliable and accurate way to depict queuing theory.

As per claim 21, Fields et al. disclose a method of allocating resources according to claim 3, wherein the next event includes at least one of a resource or task that becoming subsequently available, incoming work, a queue reaching zero, and a minimum time in the task (see column 6, lines 26-32, 51-68, through column 7, lines 1-7, once the resource and task becomes available a new task is assigned knowing the task's minimum time).

As per claim 22, Fields et al. disclose a method of allocating resources according to claim 1, further comprising the step of repeatedly performing said steps (a) - (c) until the end of a predetermined time period is reached (see column 3, lines 46-67, the steps are repeated until closing time of each store location).

As per claim 23, Fields et al. disclose a method of allocating resources according to claim 1, further comprising the step performing the at least one task responsive to the resource assigned in said assigning step (c) (see column 2, lines 12-35, the resource completes the task assigned and then performs another task).

As per claim 24, Fields et al. disclose a method of allocating resources according to claim 1. Fields et al. teach a system that can be used for any type of resource allocation. Fields et al. do not explicitly teach of the system comprising a pharmacy. However, it would be obvious to one of ordinary skill in the art to use the work producing system in a pharmacy since a pharmacy is nothing more than a specialized system (i.e. for distributing pharmaceuticals) which requires an efficient way to allocate resources and tasks. One of ordinary skill in the art would be motivated to use the system of Fields et al. in a pharmacy as it is an effective and helpful way to schedule employees in any type of resource/task environment.

As per claim 25, Fields et al. disclose a method of allocating resources including scheduling jobs from among a plurality of resources of a work-producing system, said method comprising the steps of:

(a) sorting, in a predetermined order, available resources to be utilized in the pharmacy by at least one of a last task assignment, a number of tasks performable, rate per task, and cost per hour, and determining at least one queue responsive to said sorting (see column 2, lines 12-35, and column 6, lines 51-65, the resources are sorted; see column 1, lines 32-45, and column 6, lines 43-46, resources were sorted according to pay rate and rate per task);

(c) assigning the available resources to at least one task with a predetermined normalized queue subject to at least one task constraint (see

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column 1, lines 32-45, and column 2, lines 12-35, the resources are constrained).

Fields et al. also teach the method of determining the average time for a task and also the percentage of the employee's time that it takes to work on a particular task. However, Fields et al. do not explicitly teach the method of normalizing. Normalization is an old and well-known technique in the art used in ordering and ranking items. Dividing each item by the average normalizes the items. Therefore, it would be obvious for one skilled in the art to (b) normalize the at least one queue by dividing a current task queue by an average rate of the available resources for each task in the current task queue based on what the process Fields et al. has used. One of ordinary skill in the art would have normalized the tasks as the tasks are already assigned to the resource based on time, priority, skill levels and other constraints. One would be motivated to normalize the task rates as it allows one to quickly determine which tasks take a longer amount of time and assign them to the appropriate resources. Normalizing the tasks makes the assignment (c) easier as it could increase the efficiency by which the tasks are assigned.

Fields et al. do not explicitly teach of the system comprising a pharmacy. However, it would be obvious to one of ordinary skill in the art to use the work producing system in a pharmacy since a pharmacy is nothing more than a specialized system (i.e. for distributing pharmaceuticals) which requires an efficient way to allocate resources and tasks. One of ordinary skill in the art would be motivated to use the system of Fields et al. in a pharmacy as it is an

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effective and helpful way to schedule employees in any type of resource/task environment.

As per claim 26, Fields et al. disclose a computer program memory, storing computer instructions to allocate resources including scheduling jobs from among a plurality of resources of a work-producing system, the computer instructions including:

(a) sorting, in a predetermined order, available resources to be utilized in the pharmacy by at least one of a last task assignment, a number of tasks performable, rate per task, and cost per hour, and determining at least one queue responsive to said sorting (see column 2, lines 12-35, and column 6, lines 51-65, the resources are sorted; see column 1, lines 32-45, and column 6, lines 43-46, resources were sorted according to pay rate and rate per task);

(c) assigning the available resources to at least one task with a predetermined normalized queue subject to at least one task constraint (see column 1, lines 32-45, and column 2, lines 12-35, the resources are constrained).

Fields et al. also teach the method of determining the average time for a task and also the percentage of the employee's time that it takes to work on a particular task. However, Fields et al. do not explicitly teach the method of normalizing. Normalization is an old and well-known technique in the art used in ordering and ranking items. Dividing each item by the average normalizes items.

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Therefore, it would be obvious for one skilled in the art to (b) normalize the at least one queue by dividing a current task queue by an average rate of the available resources for each task in the current task queue based on what the process Fields et al. has used. One of ordinary skill in the art would have normalized the tasks as the tasks are already assigned to the resource based on time, priority, skill levels and other constraints. One would be motivated to normalize the task rates as it allows one to quickly determine which tasks take a longer amount of time and assign them to the appropriate resources. Normalizing the tasks makes the assignment (c) easier as it could increase the efficiency by which the tasks are assigned.

Fields et al. do not explicitly teach of the system comprising a pharmacy. However, it would be obvious to one of ordinary skill in the art to use the work producing system in a pharmacy since a pharmacy is nothing more than a specialized system (i.e. for distributing pharmaceuticals) which requires an efficient way to allocate resources and tasks. One of ordinary skill in the art would be motivated to use the system of Fields et al. in a pharmacy as it is an effective and helpful way to schedule employees in any type of resource/task environment.

Response to Arguments

4. The applicant argues that 1) Fields et al. does not teach that resources may be sorted as claimed in claim 1a; 2) normalization and averaging as taught in claims 1b and 9 are not well known or taught in the Fields et al reference; and 3) claim 1c is not taught as there is no normalized queue. Applicant further argues that Fields et al. does not teach nor suggests 4) using a team assignment as a constraint in claim 5; 5) that the resource allocation model includes a network of nodes; 6) the projected incoming volume by task and time; 7) the volume data including the number of RX's processed; 8) that the steps (a) through (c) are repeated until a predetermined time as stated in claim 22; and 9) that the system can be used in a pharmacy.

In response to argument 1, the sorting of the resources is taught by Fields et al. As in column 2, lines 12-35, and column 6, lines 51-65, the resources are sorted. Column 3, lines 12-15, also state that the resources are sorted by determining a maximum shift length. In order to determine a maximum shift, the schedule must inherently know the last task assignment. Otherwise, a resource could be in violation of labor laws. As shown in column 1, lines 32-45, and column 6, lines 43-46, resources were sorted according to pay rate and cost per hour. Fields et al. teaches the rate of a resource to accomplish a task in the abstract and column 3, lines 26-34. This rate of an accomplishment is the rate per task. Therefore, Fields et al. discloses the sorting of resources as disclosed by the applicant's claim 1a.

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In response to argument 2, normalization is so common and well known in the art, that its process as disclosed in claim 1b, is taught by Fields et al. Fields et al. teaches the rate of a resource to accomplish a task in the abstract and column 3, lines 26-34. This rate of an accomplishment is also the rate of availability of a resource. For example, if Mary can fill 60 prescription bottles in an hour, then Mary can complete a prescription bottle every minute and is available after a single minute. However, if Sally can fill 12 prescriptions in an hour, then Sally can complete a prescription bottle every five minutes and is available every five minutes. Therefore, Fields et al. does teach the rate of available resources by teaching the percent of time needed to accomplish a task. Fields et al. also teaches that this is an average rate of a group, or queue, as the shifts are optimized. In column 3, lines 40-45, and column 5, lines 8-34, Fields et al. teaches of an average rate of a group, or queue, since the shifts are optimized. As Fields et al. discloses the at least one queue by dividing a current task queue by an average rate of the available resources for each task in the current task queue, Fields et al. teaches all aspects of normalization. Therefore, Fields discloses normalization as normalization is the process of the at least one queue dividing a current task queue by an average rate of the available resources for each task in the current task queue.

In response to argument 3, the available resources are clearly assigned to tasks subject to task constraints. As in column 1, lines 32-45, and column 2, lines 12-35, the resources are constrained and in column 4, lines 50-61, the resources are matched to tasks within the constraint limitations.

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In response to argument 4, Fields et al., in column 1, lines 32-45, and column 2, lines 12-35, discloses that the task constraints include a team assignment constraint such as the skill level of the employee or the relationship between the different tasks. A resource cannot be assigned to a team that uses skills that they do not contain. The resource also must not be assigned to shifts that would violate labor regulations. Therefore, Fields et al. does use team assignment as a constraint.

In response to argument 5, Fields et al. does teach that the resource allocation model includes entities with variable attributes having variable quantities that transform through at least one network of nodes in column 6, lines 51-65. The resources, or employees, with attributes have quantities that are transformed. For example, the number and skill level of the employees is updated during the shifts in the schedule. This updating is completed by using the system and inherently contains a network of nodes.

In response to argument 6, Fields et al. discloses in column 7, lines 18-22, the projected incoming value by task and time. By determining the projected total business demand by hour, one can look at the entire system and find the projected incoming value by task at a certain time.

In response to argument 7, it is irrelevant that Fields et al. does not explicitly disclose the number of RX's processed per time period. Fields et al. discloses the idea of a task processed per a certain time period since Fields et al. discloses the percentage of time it takes an employee to complete a task.

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Furthermore, it is irrelevant what the specific task is, since Fields et al. discloses the process or function of the task.

In response to argument 8, in column 3, lines 46-67, Fields et al. discloses that the steps are repeated until closing time of each store location. Fields et al. disclose all the steps in claim 1. The predetermined time, as disclosed by the applicant, is the same as the store closing time disclosed by Fields et al. Fields et al. further teaches that different resources and tasks are assigned shifts throughout the entire day. Therefore, Fields et al. discloses the steps (a) through (c) are repeated in assigning resources to tasks until the predetermined closing time.

In response to argument 9, Fields et al.'s division of resources with the allocation of tasks can be used for multiple systems and in various places. Field's et al. teaches the scheduling system as recited in the claims. The specific type of data used in the scheduling system is irrelevant as the function of the data remains the same. Furthermore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, claim 24, merely states that the scheduling system may be used for a pharmacy and since Fields et al. discloses the same scheduling system the purpose of the scheduling system and the specific tasks of a pharmacy are irrelevant.

Therefore, based on the reasons stated above, the Applicant's arguments are not found persuasive and the §102 rejection remains.

Conclusion

5. No claims allowed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eder (P.N. 6,321,205) discusses a method and system for modeling using Markov Chains.

Arbabi et al. (P.N. 5619695) discusses an improved scheduling system that uses a model to sort tasks.

Fox (P.N. 5890134) discusses a scheduling algorithm.

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Sisley et al. (P.N.5943652) discusses a system and method for optimizing the matching of resources and tasks.

Puram et al. (P.N. 6289340) discusses a system, apparatus, and method for determining the best match for a resource and a task.

Dietz et al. discloses in "Optimal Specialization of a Maintenance Workforce" an optimal way to allocate resources to tasks.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 Official communications; including After Final
communications labeled "Box AF"

Art Unit: 3623

(703) 746-7306 Informal/Draft communications, labeled "PROPOSED"
or " DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451

Crystal Drive, Arlington, VA, 7th floor receptionist.

RMB

RMB

October 22, 2002


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